

REMARKS

In the Office Action mailed June 14, 2004, the Examiner rejected claims 1,3-9 and 15-20. Claims 1, 3-9 and 15-25 are now pending in the application. Claims 1, 3, 7 and 8 have been amended, claims 2, 10-14 have been cancelled and claims 21-25 have been added. By way of the foregoing amendments and the markings to show changes Applicant is of the opinion that the rejections have been traversed and/or rendered moot.

Statutory Type Double Patenting Rejection

Claim 7 has been rejected for statutory type double patenting under 35 U.S.C. §101 for being substantially duplicative of claim 1. Without conceding the validity of the rejection, but in the interest of expediting prosecution, Applicant has amended claim 7 to obviate the double patenting rejection. Withdrawal of the rejection is respectfully requested.

Obviousness Type Double Patenting Rejection

Claims 3 and 15-20 have been rejected under the judicially created obvious-type double patenting for being patentably indistinct from U.S. Patent No. 6,352,542 to Snyder. Without conceding the validity of the rejection, but in the interest of expediting prosecution, Applicant submits herewith a Terminal Disclaimer and requests withdrawal of the rejection in view of the same.

Election/Restriction of claims

The Examiner has asserted that the invention of Group I, claims 1, 3-9 and 15-20, is distinct from the invention of Group II, claims 2 and 10-14, such that one of Group I or II should be restricted. Without conceding the validity of the Restriction, but in the interest of expediting prosecution, Applicant elects, with traverse, to proceed with Group I, claims 1, 3-9 and 15-20.

Rejections Under Sections 102/103

Claims 1, 4, 5 and 7 have been rejected under 35 U.S.C. 102(b) and/or 102(e) as being anticipated by U.S. Patent No. 4,304,012 and/or U.S. Patent No.

6,152,959. Claims 3 and 15-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,836,202 in view of U.S. Patent No. 4,494,254. Applicant does not concede that the Examiner has established a prima facie case of unpatentability under Sections 102 and 103. In the interest of advancing prosecution, and without conceding the validity of the rejections, Applicant has amended the Independent claims to further clarify certain structural features of the inventive subject matter. Applicant believes that the items cited by the Examiner, even if prior art¹, do not teach or suggest the specific combination now claimed by the Applicant. Accordingly, in view of the amendments, Applicant respectfully requests that the Examiner withdraw the present rejections and allow the application.

Again, the foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there

¹ Applicant specifically does not concede that the Portney item is prior art and reserves the right to challenge the same.

is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

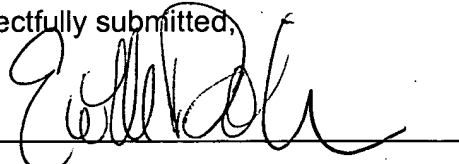
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 593-9900.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: Sept. 10, 2004

Respectfully submitted,



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